

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTONIO BARNETT, #11996-007,
Petitioner,

v.

KIM WHITE,
Respondent

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CIVIL ACTION NO. CCB-06-746

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MEMORANDUM

Petitioner is an inmate confined in the United States Penitentiary, Lee County, located in Jonesville, Virginia. He has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, wherein he alleges that the Bureau of Prisons (“BOP”) has improperly applied their custody and classification rules, regulations and program statements to him. Specifically, petitioner maintains that the BOP has erroneously determined that his life sentence precludes him from being considered for parole. Upon review of the petition, the court concludes that the proper court to consider same is the United States District Court for the Eastern District of Virginia.

Regarding the scope and nature of the instant proceeding, the undersigned notes that subject matter jurisdiction of a § 2241 habeas corpus petition lies in the federal district court where petitioner is incarcerated or in the federal district court where petitioner's custodian is located. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 488-89 (1973). Petitioner is confined in Jonesville, Virginia, and his custodian, who has day-to-day responsibility for his custody, is the warden at the Federal Penitentiary. Therefore, this court finds that jurisdiction of the instant action lies in Virginia, not in Maryland.

Rather than transfer the petition to the proper federal court, however, this court will dismiss the petition without prejudice as the petition and motion for leave to proceed in forma pauperis are unsigned.¹ A separate Order follows.

March 24, 2006
Date

/s/
Catherine C. Blake
United States District Judge

¹Rule 11 of the Federal rules of Civil Procedure requires that every pleading, motion, and other paper filed with the court must be signed by the party filing such paper or signed by the party's attorney of record.